

**GOVERNMENT OF BHARAT
NATIONAL COMMISSION FOR MINORITY
EDUCATIONAL INSTITUTIONS (NCMEI)**

Case No. 265 of 2020

In the matter of :-

**M S Creative English School, Talavpali, Mumbra, Thane,
Maharashtra.**

..... Petitioner

Vs

**1. Deputy Secretary, Minorities Development Department
Government of Maharashtra.**

**2. Joint Secretary, Minorities Development Department,
Government of Maharashtra, Room No. 715, Mantralaya (Annexe),
Mumbai-32.**

..... Respondent

Present: Mr. Jose Abraham, Advocate for the petitioner.
None for the respondent.

ORDER

DATED: 26.08.2025

Dr. Shahid Akhter, Member, NCMEI

1. This petition has been received on 28.02.2020 by hand through Mr. Jose Abraham, Advocate of the petitioner institution for grant of Minority Status Certificate (in short 'MSC') to M S Creative English School, Talavpali, Mumbra, Thane, Maharashtra.

2. Learned counsel for the petitioner filed affidavits of Mr. Anwar Ahmed, Secretary of MS Educational and Welfare Trust in support of the averments made in the petition and also to prove that the beneficiaries of the petitioner institution are members of the Muslim minority community and also stating that the petitioner institution shall not deny admission of eligible candidate of the Muslim minority community subject to the eligibility of the students and availability of the accommodation in the petitioner institution. _

3. Learned counsel for the petitioner has filed copy of Unique ID No.: TS/2019/0244888 of the petitioner's Trust as given by the Niti Aayog Portal NGO Darpan, photocopy of application dated 02.02.2019 sent to the State Competent Authority i.e. Deputy Secretary, Minorities Development Department, Government of Maharashtra alongwith postal receipt and its acknowledgement receipt, notarized copy of Trust Deed

registered on 07.11.2013, notarized copy of Supplementary Trust Deed dated 15.02.2016, notarized copy of the letter dated 17.05.2023 issued by Divisional Deputy Director of Education, Government of Maharashtra (Marathi language) along with its English translation, Board Resolution in favour of Mr. Anwar Ahmed, Secretary, MS Educational and Welfare Trust for obtaining MSC from this Commission.

4. As per the information supplied by the petitioner unaided institution with regard to students' strength, it is mentioned that during the academic year 2019, out of the total 363 students, all the students were from the Muslim minority community. It is relevant to mention here that during the academic year 2019, out of 28 teachers, all the teachers were from the Muslim minority community.

5. It is stated in the petition that on dated 02.02.2019, the petitioner institution has applied to the State Competent Authority for grant of NOC and the said application is still pending before the State Competent Authority. The State Competent Authority has not granted NOC in favour of the petitioner institution till now and also not rejected the said application and not communicated the same to the petitioner. After 90 days from the receipt of the application for grant of NOC, the petitioner has filed this petition for grant of MSC to this Commission straightway as per the provisions of Section 10 and 11(f) of National Commission for Minority Educational Institutions (in short 'NCMEI') Act, 2004.

6. Despite service of registered notice to the respondent dated 28.08.2020, the respondent has failed to apprise the Commission about the status of the said application. Thereafter in the facts and circumstances of the case, Commission deemed fit and proper that physical inspection report alongwith recommendation may be obtained from the Committee constituted by this Commission for issuance of MSC to the petitioner institution vide order dated 27.04.2022. After service of letter/email to the physical inspection committee dated 22.06.2022, 01.09.2022, 28.10.2022, 21.12.2022, 17.04.2023, 01.02.2024, 02.08.2024, 24.09.2024, 27.11.2024, 17.02.2025 and 07.05.2025, Education Officer (Scheme), ZP Thane vide letter dated 28.5.2025 has sent physical inspection report, which was received by post in the Commission's Office on dated 11.6.2025 wherein members of the physical inspection committee have recommended to grant MSC to the

petitioner institution. It is mentioned in the physical inspection report that during the academic year 2022-23, 2023-24 and 2024-25, out of total 350,370 and 348 students respectively, all the students were from the Muslim minority community. It has also been stated in the physical inspection report that due to the unsafe condition of the Talavpali building, the school has been functioning from the new address since 8.8.2022 and the said school has been relocated from "Talavpali, Mumbra, District Thane" to new premises at "Behind Ahmed Abdullah Garib Technical Institute, Sainik Nagar, Almas Colony, Tetavali, Kausa, Mumbra, Thane-400612".

7. The petitioner institution has applied for grant of minority status certificate on the ground that the same has been established primarily for the benefit of the members of the Muslim minority community and is being administered by MS Educational and Welfare Trust which is managed and run by the members of the Muslim minority community. The aforesaid averments made in the petition find ample corroboration from the documentary evidence produced on behalf of the petitioner institution and the affidavit of Mr. Anwar Ahmed, Secretary of MS Educational and Welfare Trust.

8. Hon'ble Apex Court, various High Courts as well as this Commission in case of Buckley Primary School, Cuttack, Orissa Vs. Government of Orissa (order passed by the Commission in Case No. 1320 of 2009 dated 6.7.2010) have categorically held that the percentage of admission of students from notified minority community in a minority educational institution is not an indicia for determining the minority status of such institution. This Commission has also decided that there must be reasonable strength of students of particular minority community in a minority educational institution. The percentage could be determined based on the actual proportion of specific minority community in the State population as per prevailing census.

9. I have perused the notarized copy of Supplementary Trust Deed which was registered on 15.02.2016, which is before filing of NOC application U/s 10 of the NCMEI Act, 2004 dated 02.02.2019 and also petition for grant of MSC dated 28.02.2020. So, it is clear that the amendment has been done before the application filed before the State

Competent Authority U/s 10 of the NCMEI Act, 2004 and also petition for grant of MSC before this Commission.

10. The Supplementary Trust Deed and all the documents produced by the petitioner institution clearly reflect that the beneficiaries of the petitioner institution are primarily the members of the Muslim minority community. In addition, the said facts also stand proved from the documents and affidavit filed by the petitioner. There is no document on record to rebut the documentary evidence produced on behalf of the petitioner institution.

11. Relying on the said un rebutted evidence produced on behalf of the petitioner, we find and hold that M S Creative English School, Behind Ahmed Abdullah Garib Technical Institute, Sainik Nagar, Almas Colony, Tetavali, Kausa, Mumbra, Thane-400612 run by MS Educational and Welfare Trust is eligible for grant of minority status on religious basis. The evidence also proves that the said educational institution was established with the main objective of sub-serving the interests of the Muslim minority community.

12. Consequently, M S Creative English School, Behind Ahmed Abdullah Garib Technical Institute, Sainik Nagar, Almas Colony, Tetavali, Kausa, Mumbra, Thane-400612 is declared as an unaided minority educational institution covered under Article 30 of the Constitution of India within the meaning of Section 2(g) of the National Commission for Minority Educational Institutions Act, 2004.

13. A minority status certificate be issued accordingly.

14. In view of the above, the present petition is disposed of in accordance with this order.

Signed, pronounced and published on **Tuesday, 26th Day of August, 2025.**

DR. SHAHID AKHTER
MEMBER

MD